



# The HIGH ROAD

*"Preserving public confidence in public servants."*

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Hawaii State Ethics Commission

May 1996

## COMMISSION CONGRATULATES ESSAY CONTEST WINNERS

On May 10, 1996, the State Ethics Commission hosted its annual Ethics Essay Contest Awards Luncheon at Washington Place. This event honored the winners of the Commission's high school Ethics Essay Contest. Governor Benjamin Cayetano, Lieutenant Governor Mazie Hirono, and Senator Mike McCartney were on hand to congratulate the winners.

This year's contestants were asked to assume that they were in charge of the Office of Governmental Ethics and to discuss what they would do to increase the public's confidence in government. The Commission received close to two hundred and forty essays from nineteen different schools. The contest winners were:

### Grade Nine

- 1st Place: Randy M. Schultz, Moanalua High School  
2nd Place: Shari C. Ratific, Waiakea High School

### Grade Ten

- 1st Place: Erica C. Shinohara, Sacred Hearts Academy  
2nd Place: Jennifer L. Chang, Hilo High School

### Grade Eleven

- 1st Place: Elizabeth M. Alancastre, Sacred Hearts Academy  
2nd Place: Amanda M. Bourda, Sacred Hearts Academy

### Grade Twelve

- 1st Place: Christopher M. Hodge, Radford High School  
2nd Place: Shannon P. Penano, Radford High School

Grand Prize: Christopher M. Hodge, Radford High School

The Ethics Commission congratulates all of its 1995-1996 Ethics Essay Contest winners!

## STATE TRAVEL AT PRIVATE EXPENSE

In this time of budget cuts, many state agencies are left with little or no funding available for travel. A number of employees have asked whether they may accept a private company's offer to pay travel expenses when the employee is travelling on state business. The payment of travel expenses by a private source is considered a gift under the ethics laws.

Hawaii Revised Statutes section 84-11 addresses the acceptance of gifts. This law forbids a state employee or legislator from accepting a gift if it is reasonable to infer that the gift is intended to influence or reward the employee or legislator. The emphasis of the law is on appearance. If a gift reasonably appears to be improper, then it is forbidden.

The Ethics Commission recognizes that a gift of travel for a state trip benefits the State. It relieves the State of the burden of financing the travel of one of its employees. However, the Commission also recognizes that travel contains an element of personal benefit to the employee and that it may raise concerns under the gifts law. The Commission generally asks employees who are offered gifts of travel to respond to a number of

questions. The information that the Commission requests includes: a description and the approximate dollar value of all the expenses that the private company is paying for, a description of the benefits that will accrue to the State if the trip is accepted, whether the employee or his agency takes any action that affects the donor of the gift of travel, whether the employee is travelling alone, and why the employee is the appropriate person to go on the trip. After considering this information, the Commission can then decide if the trip is acceptable.

Employees who are offered gifts of travel should consult with the Ethics Commission before accepting. Although these gifts are often acceptable, the Commission does require certain information about the trip. In addition, employees who receive these types of gifts may be asked to file a gifts disclosure statement.

### **COMMISSION CHARGES SUPERVISOR WITH VIOLATIONS OF FAIR TREATMENT LAW**

The Ethics Commission recently charged a state supervisor with violations of the Fair Treatment section of the ethics code. This section prohibits a state employee from using his position to grant anyone an unwarranted benefit. A subsection of the Fair Treatment law forbids a state employee from using any state time, equipment, or facilities for private business purposes.

The Commission received information indicating that a state supervisor had approached his subordinates during work and asked them to hold signs for political candidates. Later in the day, the supervisor again approached the subordinates and told them if they did not show up to hold signs, they would be on the deputy director's "X list." The Commission also received information indicating that the supervisor used state time and a state computer for a football betting pool.

The Commission issued an opinion stating that it appeared that the supervisor's actions were violative of the Fair Treatment law. The Commission stated that campaigning is considered a private business. State employees and legislators may not campaign using any state time, equipment, or facilities. In addition, the use of state resources for campaign purposes would result in an unwarranted advantage for the candidate. This would violate the Fair Treatment

law. The Commission also advised that it is a violation of the Fair Treatment law to use state time and equipment for gambling purposes.

Because of a lack of clear information, the Commission did not conclude that the supervisor had threatened his subordinates. However, the Commission stated that the ethics code can easily be violated when a supervisor urges subordinates to perform chores that are unrelated to their state duties. Supervisors should take special care that their words are not construed as threatening or intimidating.

### **REMINDER: IMPORTANT FILING DEADLINES**

- ▶ Financial disclosure statements are due on Friday, May 31, 1996. The statements must be **filed** in the Commission's office by May 31.
- ▶ The next lobbying expenditures report deadline is also May 31, 1996. This report covers the period from March 1, 1996 through April 30, 1996.
- ▶ The gifts disclosure report deadline is June 30, 1996. Because June 30 falls on a Sunday, the filing deadline is Monday, July 1, 1996. The report covers the period from June 1, 1995 to June 1, 1996. Certain conditions must be met before filing is required.

If you are unsure as to whether you must file a form or if you must file a form but have not received one, call the State Ethics Commission at 587-0460.

**The High Road is a publication of the Hawaii State Ethics Commission.**

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